

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

**MICHELLE POWELL,**

**Plaintiff,**

**v.**

**GARDEN STATE LIFE INSURANCE CO.,**

**Defendant.**

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**Civil Action No. 12-118**

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1441(a) and 1446, *et seq.*, defendant, Garden State Life Insurance Company (“Garden State”) files this Notice of Removal of this action from State Court to this Court and respectfully states as follows:

1. On March 5, 2012, plaintiff, Michelle Powell (“Powell”) commenced a civil action in the Circuit Court of Marion County, Tennessee (“the State Court”), bearing the style, *Michelle Powell v. Garden State Life Insurance Co.*, Docket No. 19759 (“the Civil Action”). The Civil Action is still pending in the State Court.

2. Powell sent Garden State a courtesy copy of the Summons and Complaint in the Civil Action, which Powell is serving on Garden State through the Commissioner of the Tennessee Department of Commerce and Insurance. Garden State received the Summons and Complaint on March 12, 2012, copies of which are attached as Exhibit A, and which constitute all process, pleadings, and orders in the Civil Action to date. Powell has not filed a return of service with the State Court.

3. Garden State has, to date, made no appearance in the Civil Action in State Court.

4. The Civil Action is also one over which this Court has jurisdiction pursuant to 28 U.S.C. § 1332 and removal jurisdiction pursuant to 28 U.S.C. § 1441 in that:

- (a) Garden State, both at the time of filing of the Civil Action and as of the date of filing of this Notice, was and is an insurance company incorporated under the laws of the State of Texas with its principal place of business in the State of Texas.
- (b) Powell, both at the time of filing of the Civil Action and as of the date of filing this Notice, was and is a citizen of the State of Tennessee.
- (c) Jurisdiction exists between all parties properly joined in the civil action in that the civil action is between citizens of different States, and the amount in controversy exceeds \$75,000, exclusive of interest and costs.
- (d) This action is within the original jurisdiction of the Court pursuant to the provisions of 28 U.S.C. § 1332.

5. Garden State has filed this Notice prior to the expiration of thirty (30) days following its receipt of a copy of the Complaint.

6. The judicial district and division of this Court embraces Marion County, Tennessee, the place where the Civil Action is pending.

7. Garden State will give written notice to plaintiff, a copy of which is attached as Exhibit B, and will file a Notice of Filing of Notice of Removal with the Clerk of the Circuit Court of Marion County, Tennessee, a copy of which is attached as Exhibit C.

WHEREFORE, defendant, Garden State Life Insurance Company prays that the Civil Action now pending against it in the Circuit Court of Marion County, Tennessee, be removed therefrom to this Court.

BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.

By: /s S. Russell Headrick  
S. Russell Headrick, (TN5750)  
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*Attorneys for Garden State Life Insurance  
Co.*

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of April, 2012, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

H. Graham Swafford, Jr.  
32 Courthouse Square  
Jasper, TN 37347

BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.

By: s/ S. Russell Headrick